

UNITED STATES DISTRICT COURT

for the
District of New Mexico



FILED
United States District Court
Albuquerque, New Mexico
Mitchell R. Elfers
Clerk of Court

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

1340 Tres Ritos Street SW,
Albuquerque, New Mexico 87121

Case No. **24mr99**

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):
See Attachment A, attached hereto and incorporated herein by reference.

located in the _____ District of New Mexico, there is now concealed (identify the person or describe the property to be seized):
See Attachment B, attached hereto and incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☐ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☒ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 922(g)(1)	Felon in Possession of a Firearm and Ammunition

The application is based on these facts:
See attached affidavit, incorporated herein by reference.

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

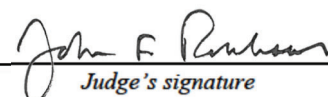

Applicant's signature

Nancy Stemo, FBI Special Agent
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
Telephonically Sworn and Electronically Signed (specify reliable electronic means).

Date: January 17, 2024

City and state: Albuquerque, New Mexico


Judge's signature

John F. Robbenhaar, United States Magistrate Judge
Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR NEW MEXICO

IN THE MATTER OF THE SEARCH OF
1340 TRES RITOS STREET SW,
ALBUQUERQUE, NM 87121

Case No. _____

Filed Under Seal

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT

I, Nancy Stemo, having been duly sworn, does hereby depose and state that the following is true to the best of my information, knowledge, and belief:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure (“FRCP”) for a warrant to search the premises located at 1340 Tres Ritos Street SW, Albuquerque, New Mexico 87121 (hereinafter the SUBJECT PREMISES) for FBI fugitive, Acen VALADEZ; and in his absence, for evidence of his current whereabouts. More detailed descriptions and photographs of the Subject Premises and VALADEZ have been attached hereto.

2. I am a Special Agent (“SA”) of the Federal Bureau of Investigation (“FBI”) and have been since May 2016. I am recognized as a “federal law enforcement officer” within the meaning of FRCP 41(a)(2)(C). I am currently assigned to the FBI’s Child Exploitation and Human Trafficking Task Force where I investigate offenses involving the exploitation of children. I was previously assigned to the Violent Crimes Task Force (“VCTF”) and Safe Streets Task Force (“SSTF”) where I investigated a myriad of federal violations, including drug and firearms trafficking, robberies, and criminal enterprises. I have received on the job training from other experienced agents in the investigation of federal offenses.

3. Based on my training and experience, I am aware people often leave evidence of their daily schedules, activities, travel patterns, appointments, planned outings, meetings, and social or business interactions in the normal course of living within their premises. Furthermore, personal calendars, appointment books, telephone books, address books, notes, notebooks, mail, photographs, phone messages, credit card receipts, bank receipts and statements, telephone statements, hotel or motel receipts, room keys, business cards, travel itineraries, restaurant receipts, airplane tickets, employment records and/or other notations pertaining to the defendant's current location may aid agents in locating and arresting VALADEZ if he is not home.

4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all my knowledge about this matter.

PROBABLE CAUSE

5. On September 1, 2022, a federal search warrant¹ was executed at the Subject Premises. The search warrant authorized the FBI to search for evidence of a variety of criminal violations, to include 18 U.S.C. § 1962 – Racketeer Influenced and Corrupt Organizations (“RICO”) Act; 18 U.S.C. § 1959 – Violent Crimes in Aid of Racketeering (“VICAR”); 18 U.S.C. § 924(c) – Use of a firearm in furtherance of a crime of violence or drug trafficking activity crime; 18 U.S.C. § 922(g) – Prohibited person in possession of a firearm or ammunition; 21 U.S.C. § 841(a)(1) – Possession with intent to distribute controlled substances; 21 U.S.C. § 843(b) – Conspiracy to distribute controlled substances; and 21 U.S.C. § 856 – Maintaining a drug involved

¹ District of New Mexico court case 22-MR-1263.

premises. The search warrant also authorized the FBI to photograph VALADEZ's person for evidence of gang membership. VALADEZ, his mother, another adult female (A.T.), and five juveniles were present at the residence when the search warrant was executed. Several firearms were seized pursuant to the search warrant.

6. On April 27, 2023, a federal indictment was obtained against VALADEZ for being a felon in possession of a firearm and ammunition in violation of 18 U.S.C. §§ 922(9)(1) and 924.² A summons was issued for VALADEZ and he appeared before United States Magistrate Judge Steven C. Yarbrough on May 11, 2023. On that date, Judge Yarbrough released VALADEZ and placed various conditions on that releasee, to include that he not use any narcotic drug or other controlled substances unless prescribed by a licensed medical practitioner.

7. On December 1, 2023, a urinalysis was conducted on VALADEZ. On December 5, 2023, that urine sample tested positive for fentanyl. VALADEZ admitted to a United States Probation Officer that he used fentanyl prior to submitting to the urinalysis. On December 11, 2023, a revocation hearing based on the positive drug test was held before United States Magistrate Judge Laura Fashing. VALADEZ was placed on the same conditions of release and a notation of "zero tolerance" was added.

8. On January 1, 2024, a urinalysis was conducted on VALADEZ. On January 8, 2024, that urine sample tested positive for fentanyl. On January 8, 2024, United States Probation Officer ("USPO") Jacob Gomez submitted a petition for action on conditions of pretrial release and a federal arrest warrant was issued for VALADEZ.

² District of New Mexico court case 23-CR-585.

9. On January 9, 2024, the FBI was advised of the arrest warrant for VALADEZ and I subsequently spoke with USPO Gomez. USPO Gomez advised VALADEZ was residing at the Subject Premises.

10. On January 11, 2024, I conducted surveillance at the Subject Premises and noted a black Cadillac SUV registered in VALADEZ's name was parked in the driveway. The vehicle was registered to the Subject Premises. A vehicle associated with A.T. was also parked in the driveway. On January 12, 2024, a dark colored sedan was parked in the front of the residence. That vehicle was also registered to VALADEZ. VALADEZ renewed his driver's license on December 7, 2023, and he listed the Subject Premises as his address.

11. Based on my training and experience and the facts as set forth in this affidavit, I believe there is probable cause to believe that VALADEZ continues to reside at the Subject Premises. FBI Special Agents will attempt to arrest VALADEZ at the Subject Premises. Should VALADEZ not be at the Subject Premises when the warrant is served, I request that agents be permitted to conduct a limited search of the Subject Premises for items that may document, record or depict VALADEZ's whereabouts that may aid the FBI in locating and arresting VALADEZ.

THE SUBJECT PREMISES

12. The Subject Premises is located at 1340 Tres Ritos Street SW, Albuquerque, New Mexico 87121 and may be described as a two-story residence with light tan stucco siding and brown trim. The numbers 1340 are posted on the front of the house next to the garage door. A color photograph is included in Attachment A. The search of the Subject Premises shall include

the entire residence and all outbuildings, trash cans, storage containers, and vehicles parked at, or in front of, the Subject Premises.³

CONCLUSION

13. Based on the aforementioned information, I submit that probable cause exists to search the Subject Premises, further described in Attachment A, for VALADEZ or evidence of his current whereabouts, further identified and described in Attachment B.

14. Assistant United States Attorney Nora Wilson has reviewed and approved this application.

15. I swear that this information is true and correct to the best of my knowledge.

Respectfully submitted,



Nancy Stemo
Special Agent
Federal Bureau of Investigation

Electronically Submitted and Telephonically Sworn on January 17, 2024:



HONORABLE JOHN F. ROBBENHAAR
UNITED STATES MAGISTRATE JUDGE

³ Only vehicles parked at the Subject Premises or in front of the Subject Premises and having an apparent connection to the Subject Premises will be searched. Connection to the Subject Premises may be established by way of prior law enforcement observation, vehicle registration, subject admission or possession of an ignition key.

ATTACHMENT A

1. The Subject Premises is located at 1340 Tres Ritos Street SW, Albuquerque, New Mexico 87121 and may be described as a two-story residence with light tan stucco siding and brown trim. The numbers 1340 are posted on the front of the house next to the garage door. A color photograph is included in Attachment A. The search of the Subject Premises shall include the entire residence and all outbuildings, trash cans, storage containers, and vehicles parked at, or in front of, the Subject Premises.

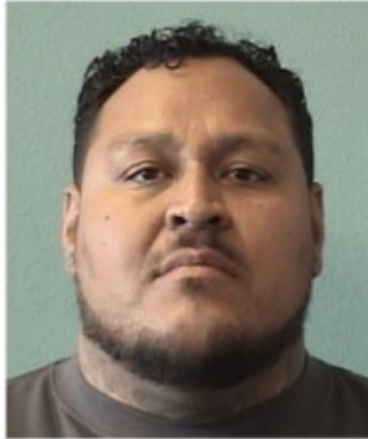


2. If the FBI does not locate VALADEZ in the Subject Premises, the FBI seeks authority to search the entire residence and all outbuildings, trash cans, storage containers, and vehicles parked at, or in front of, the Subject Premises for items that may document, record or depict VALADEZ's current whereabouts.⁴

⁴ Only vehicles parked at the Subject Premises or in front of the Subject Premises and having an apparent connection to the Subject Premises will be searched. Connection to the Subject Premises may be established by way of prior law enforcement observation, vehicle registration, subject admission or possession of an ignition key.

ATTACHMENT B

1. The FBI will search for Acen VALADEZ, YOB 1986, whose photo appears below, and who is a person to be arrested pursuant to a federal arrest warrant.



2. Should VALADEZ not be at the Subject Premises when the warrant is served, the FBI will search for items that may document, record, or depict VALADEZ's current whereabouts; including evidence of his schedule, activities, travel patterns, appointments, planned outings, meetings, and social or business interactions in the normal course of living within their premises. Furthermore, personal calendars, appointment books, telephone books, address books, notes, notebooks, mail, photographs, phone messages, credit card receipts, bank receipts and statements, telephone statements, hotel or motel receipts, room keys, business cards, travel itineraries, restaurant receipts, airplane tickets, employment records and/or other notations pertaining to the defendant's current location.